

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Robert Bryan	Team: Squad #13	CCRB Case #: 201907484	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 08/21/2019 2:17 PM	Location of Incident: § 87(2)(b)	Precinct: 18	18 Mo. SOL 2/21/2021	EO SOL 10/8/2021	
Date/Time CV Reported Thu, 08/22/2019 2:32 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 08/22/2019 2:32 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. LT Daniel Priber	00000	943696	TB ATU

Officer(s)	Allegation	Investigator Recommendation
A.LT Daniel Priber	Force: Lieutenant Daniel Priber used physical force against § 87(2)(b)	§ 87(2)(b)
B.LT Daniel Priber	Discourtesy: Lieutenant Daniel Priber spoke discourteously to § 87(2)(b)	§ 87(2)(b)
C.LT Daniel Priber	Off. Language: Lieutenant Daniel Priber made remarks to § 87(2)(b) based upon race.	§ 87(2)(b)
D.LT Daniel Priber	Abuse: Lieutenant Daniel Priber threatened § 87(2)(b) with the use of force.	§ 87(2)(b)

Case Summary

On August 22, 2019, § 87(2)(b) an independent witness, called the CCRB and filed this complaint on behalf of an anonymous victim, whom the investigation identified as § 87(2)(b)

At approximately 2:40 p.m. on August 21, 2019, § 87(2)(b) was working at § 87(2)(b) when he saw Lt. Daniel Priber of Transit Bureau Anti-Terrorism Unit escorting § 87(2)(b) toward the psychiatric department by what he described as an improper hold on her handcuffed arms (**Allegation A – Force – Physical force;** § 87(2)(g) § 87(2)(b) overheard Lt. Priber call § 87(2)(b) either a “fucking animal” or a “black monkey” and threaten to break her “fucking” arm (**Allegation B – Discourtesy – Word,** § 87(2)(g) **Allegation C – Offensive Language – Race,** § 87(2)(g) **Allegation D – Abuse of Authority – Threat of force,** § 87(2)(g) Hospital employees, § 87(2)(b) and § 87(2)(b) witnessed the incident. No arrest or summons resulted from this incident.

No body work cameras captured this incident. Hospital security cameras captured the incident. The footage is attached to IAs #42-47 (Board Review 01-06) and is summarized in IA #93 (Board Review 07).

Findings and Recommendations

Allegation (A) Force: Lieutenant Daniel Priber used physical force against § 87(2)(b) § 87(2)(b) was working as a social worker in the psychiatric emergency room of § 87(2)(b) when someone alerted him to an incident taking place in the waiting room. § 87(2)(b) walked through the short hallway that connects the emergency room to the waiting room, then witnessed Lt. Daniel Priber bending § 87(2)(b)'s left rear handcuffed arm up behind her with his hand. § 87(2)(b) was seated in a wheelchair (Board Review 08).

§ 87(2)(b) said she was looking for a specific social worker when an unknown nurse started yelling at her. The nurse called 911 and Lt. Priber arrived about two minutes later. He pulled her arms behind her back, handcuffed her, and placed her in a wheelchair (Board Review 09).

§ 87(2)(b) a hospital security guard, said Lt. Priber told § 87(2)(b) to calm down, and she replied, “You fucking pig, I don’t even like cops.” § 87(2)(b) swung her hand as if to slap Lt. Priber and just missed his nose. Lt. Priber grabbed her hands, spun her around, and handcuffed her (Board Review 11). § 87(2)(b) a nurse who was working in the psychiatric emergency room said she did not recall if Lt. Priber handcuffed § 87(2)(b) but thought he might have due to her abusive and threatening behavior (Board Review 10).

Lt. Priber, who was working a paid hospital detail during this incident, said § 87(2)(b) was threatening staff members and that when he tried to calm her down, she threw her arm up in the direction of his face. Lt. Priber grabbed § 87(2)(b)'s arms and twisted them behind her back to handcuff her. § 87(2)(b) who was visibly pregnant, kept trying to pull away from Lt. Priber. He held onto her wrists because he feared that if he loosened his grip, she might fall onto her stomach and harm her fetus. Lt. Priber asked a staff member to secure a wheelchair and seated § 87(2)(b) in it. § 87(2)(b) kept trying to get up and threatened to spit in Lt. Priber’s face. Lt. Priber continued holding § 87(2)(b)'s wrists to prevent her from falling forward.

At 00:28 of the media player timestamp of the hospital security footage, Lt. Priber pushes § 87(2)(b)'s wheelchair through an entryway into a short hallway. § 87(2)(b) repeatedly tries to wiggle out of the wheelchair and she places her right leg on the left footrest of the wheelchair and her left leg over the left arm of the wheelchair, seemingly in an attempt to stand up. Her hands are behind her back and not visible. However, the footage depicts her arms in a downward position the entire

time Lt. Priber is present. Even as she continues attempting to stand up, her arms remain in the same position behind her back, as if they are being held downward. At 00:52, § 87(2)(b) appears at the bottom left corner of the screen wearing a red shirt. He turns left into the hallway and approaches Lt. Priber and § 87(2)(b) who are still standing by the doorway. Lt. Priber is positioned behind the wheelchair, near § 87(2)(b)'s arms. At 1:01, Lt. Priber leaves through the same door from which he came, and a few seconds later, § 87(2)(b) successfully gets up from the wheelchair and walks away from two security guards who are seemingly attempting to calm her down (Board Review 01).

In all circumstances, any application or use of force must be reasonable under the circumstances. NYPD Patrol Guide, Procedure 221-01 (Board Review 13).

§ 87(2)(g)
[REDACTED]

Allegation (B) Discourtesy: Lieutenant Daniel Priber spoke discourteously to § 87(2)(b)

Allegation (C) Offensive Language: Lieutenant Daniel Priber made remarks to § 87(2)(b) based upon race.

Allegation (D) Abuse of Authority: Lieutenant Daniel Priber threatened § 87(2)(b) with the use of force.

§ 87(2)(b) stated that as § 87(2)(b) was handcuffed in the wheelchair, Lt. Priber said to her, “You fucking animal! I’ll break your fucking arm!” § 87(2)(b) stated that while Lt. Priber placed her in handcuffs, he said, “I’ll break your motherfucking arm” and called her a “black monkey.” § 87(2)(b) and § 87(2)(b) denied hearing Lt. Priber make the alleged discourteous and offensive remarks, and they denied hearing Lt. Priber say anything about § 87(2)(b)'s arm breaking.

Lt. Priber stated that as he was pushing § 87(2)(b)'s wheelchair towards the door to the psychiatric ward, she kicked and tried to stop the wheelchair from moving forward by either placing her feet on the floor or on the door. Lt. Priber acknowledged saying “in some capacity, ‘If you continue to move like this, it’s going to break your fucking arm.’” Lt. Priber denied his statement constituted a threat, but acknowledged in his CCRB interview that, “It was a statement in the heat of the moment, and a foul word did slip out of my mouth.” Lt. Priber did not recall calling § 87(2)(b) an “animal,” or a “fucking animal” and he denied calling her a “monkey” or a “black monkey.”

The hospital surveillance footage has no audio and therefore did not capture these aspects of the incident.

NYPD’s disciplinary decisions “have consistently held that when a police officer uses an otherwise impolite word during a stressful street encounter where that officer is attempting to maintain control of the situation, the police officer’s verbal slip does not rise to the level of actionable misconduct.” NYPD Disciplinary Case No. 2018-18951 (Board Review 14).

In all circumstances, any application or use of force must be reasonable under the circumstances.
NYPD Patrol Guide, Procedure 221-01 (Board Review 13).

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) has been a party to two previous CCRB complaints and has been named as a victim in six allegations (Board Review 15).
 - § 87(2)(b) [REDACTED]
 - [REDACTED]
- Lt. Priber has been a member of service for 13 years and has been the subject of six allegations in five previous cases, none of which were substantiated. § 87(2)(g) [REDACTED]

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- On April 8, 2020, a Notice of Claim inquiry was sent the New York City Comptroller's Office regarding this incident. The results will be added to the casefile upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]

Squad 13

Investigator:	_____	Inv. Robert Bryan	07/06/2020
	Signature	Print Title & Name	Date
Squad Leader:	_____	IM Laura Kastner	07/06/2020
	Signature	Print Title & Name	Date